

A close-up, sepia-toned photograph of a man with a shaved head, smiling warmly at a baby he is holding. The man is looking down at the baby with a gentle expression. The baby is wearing a white onesie with a pattern of small, dark, cartoonish figures. The man's hands are visible, gently supporting the baby. The background is a plain, light-colored wall. The entire image is framed by a thick yellow border.

## Establishing Paternity

Virginia Department of Social Services

## Establishing Paternity



“Every child deserves the financial and emotional support of both a mother and a father.”

Children deserve support from both parents. There is a legal obligation for parents to support their children.

### What is paternity?

Paternity means fatherhood. Establishing paternity means legally determining the father of a child. Establishing paternity means that the father's name can be placed on the child's birth certificate and that he has legal responsibility for the child.

### Why is establishing paternity important?

Every child deserves the financial and emotional support of both a mother and a father. Establishing paternity provides personal benefits for a child, such as:

- Self esteem – Children respond to love and support from both parents. Children gain a sense of belonging and benefit from knowing that both parents care for them. They need to know who their father is and that he cares about them.
- Family identity – When children know they are part of a family, they are likely to be more secure about who they are and where they come from. Establishing paternity identifies the father's side of the family and may encourage contact with other family members, such as grandparents, uncles, aunts or other relatives.
- Shared parenting – Parenting is the responsibility of both the father and the mother. Early paternity establishment may lead to involvement of the father in the child's life. More resources are likely to be available to a child supported by two parents.
- Health history – Establishing paternity completes the child's health history. It is important for children and their doctors to know the family's medical history, particularly genetic traits or histories of conditions or diseases.

### Establishing paternity:

- Creates a legal relationship between the father and the child
- Is required for the father to be legally responsible for child support
- Is a necessary first step if the father requests visitation rights
- May provide legal benefits for the child, such as a share of Social Security, disability or veteran's benefits if the father dies or becomes disabled; rights to any inheritance from the father; and rights to medical or insurance benefits

## Is having a child such a big deal?

YES! There is no responsibility, joy or honor greater than parenthood. Parenthood means providing love, care, guidance, food, clothing, shelter and medical care for your child or children. Establishing paternity helps ensure responsibilities for the child are shared by the mother and the father. Taking responsibility for your child may mean the difference between your child relying on public assistance (welfare) or being self-sufficient. Even if the parents are not married to one other, both parents must support their child until he or she becomes an adult.

## How is paternity established?

Both parents can acknowledge paternity voluntarily. Both parents only need to sign an Acknowledge of Paternity form under oath. The most convenient place to sign the form is at the hospital before the mother and child are discharged. This is a free service offered by all birthing hospitals and requires that the father present a photo ID to the birth registrar before he signs the form. Establishing paternity at the hospital gives a child a legal father immediately and ensures that the child's original birth certificate includes the correct father's name.

If parents are unable to establish paternity at the hospital, the form is available by visiting or calling the Office of Vital Records in Richmond, local health department clinics, local departments of social services and local child support offices.

Paternity can also be established by genetic testing to prove the identity of the father. Samples generally are obtained by swabbing the inside of the mouth in the cheek area. The samples are sent to a lab for testing. The actual sample collection only takes a few minutes, and the test results are usually available in three to four weeks.

If you have a case with DCSE, we will schedule the child, mother and alleged father for genetic testing. If the parties reside in different localities or in different states, they may be scheduled separately in the areas in which they reside. If DCSE has arranged the testing, the genetic samples will be collected by a representative of DCSE's contracted laboratory.

When DCSE arranges for testing, if the tested man is found to be the father, he will be required to pay for the test. If the tested man is not found to be the father and there is an open case with DCSE, DCSE normally pays for the tests. If a court orders testing, it is up to the court to determine who will pay.



“Taking responsibility for your child may mean the difference between your child relying on public assistance (welfare) or being self-sufficient.”



“Paternity establishment and visitation rights are two separate issues.”

There are a number of accredited laboratories that can provide private testing with certified test results. The price varies for private testing. Generally, the lab requests payment from the individual(s) involved in the testing at the time of sample collection.

Genetic tests are very reliable. Under Virginia’s law, test results of 98 percent or higher prove paternity. Very accurate tests now can provide 99+ percent test results to establish the paternity of a child.

### **What last name for the child can be placed on the birth certificate?**

The mother may place any last name she wishes on the birth certificate. If both parents sign an Acknowledgement of Paternity (AOP) form, they may indicate how the child’s name should appear on the birth certificate. If the parents cannot agree, then the person wanting the change must petition the court for an order to that effect. Just using a man’s last name on the birth certificate, without him having signed an AOP does not make him the legal father of the child.

### **What if the mother is married to someone other than the biological father?**

According to Virginia law, the husband of the mother is presumed to be the legal father of her child. If the mother is married or was married up to 10 months prior to the birth of the child to someone other than the biological father of the child, paternity must be established in court. Paternity may not be established by voluntarily signing an Acknowledgement of Paternity form.

### **How are custody and visitation determined?**

Under most circumstances, when a child is born to unmarried parents, the child lives with the mother and she has legal custody of the child. However, DCSE cannot address custody and visitation; those matters must be determined by the courts.

Paternity and an order for support can be established without a custody or visitation order.

### **When paternity is established, can the father visit the child?**

Paternity establishment and visitation rights are two separate issues. When the mother agrees, the father may visit the child. Once paternity is established, the father may seek visitation rights through the court if the mother is unwilling to allow him to visit.



### **When paternity is established, can the father ask for custody of the child?**

Again, paternity establishment and custody are two separate issues. The father may ask the court to review the custody arrangements at any time after paternity is established. Courts do not change custody unless there is proof that it is in the best interest of the child. The courts may also consider joint or shared custody.

### **Can the father take custody of the child instead of making support payments?**

No. The father may ask the court to review the custody arrangements at any time after paternity is established. Again, courts do not change custody unless there is proof that it is in the best interest of the child.

### **What happens if one parent is out of state?**

Paternity should be established for a child even if one parent lives, or is planning to live, in another state. States have agreements that permit the child support enforcement agencies to assist the mother in proving who the father is even if he lives in a different state. The agreement among states also covers collecting child support from noncustodial parents in other states. If the parents live in different states, establishing paternity will take longer. Each state operates under the same basic guidelines, but the processes and time frames vary from state to state.

### **What if the father is not 18 years of age?**

A man can be named as the father on a child's birth certificate regardless of his age, but only the court can determine paternity and order the father to help the mother support the child if he is under 18 years old. Paternity can be established by the court for fathers as young as 14 years old.

### **Do you have to be U.S. citizens to establish paternity?**

No. Paternity establishment does not have anything to do with citizenship status. Paternity can be established using the Acknowledgement of Paternity form for any child born in the Commonwealth of Virginia.

### **Who can get information from the paternity form?**

The information on your Acknowledgement of Paternity form is confidential. Only the Office of Vital Records & Health Statistics in the Department of Health and DCSE have access to the information. No other federal or state agency can get this information.



“The information on your Acknowledgement of Paternity form is confidential.”



“Both parents  
are expected to  
support their child.”

### **Once paternity is established, does this mean one parent must pay child support?**

Either parent may apply for services. Both parents are expected to support their child. The noncustodial parent (the parent the child does not live with) is expected to pay child support. If one parent is not sharing the responsibility for supporting the child, the other parent may apply to DCSE for assistance. DCSE is not involved with the family unless one parent applies for services. The amount paid by the noncustodial parent will be based on both parents' earnings.

### **What if I need more information or want to apply for services?**

Contact your DCSE office. Telephone numbers and addresses of local DCSE offices are at the back of this booklet and on the DCSE Web site at <http://www.dss.virginia.gov/family/dcse.html>. Applications also are available on the Web site.

## **Fathers' Frequently Asked Questions**

### **What happens if I don't admit paternity or sign an agreement for genetic testing at DCSE?**

There may be a court hearing to decide if you are the father based on evidence that you and the mother provide. Paternity must be proven based on clear and convincing evidence. The judge may order you, the mother and the child to participate in genetic tests. Based on the results, the judge will make the final determination of whether you are the father.

### **What rights do I have if there is a court hearing?**

You have the right to arrange for a lawyer to represent you.

### **The mother said she was using birth control, so I do not think I am responsible for the pregnancy. Why do I have to pay?**

It does not matter whether you agreed to the pregnancy or whether you or the mother was using birth control. Legally, you are responsible for supporting the child if you are proven to be the father.

### **I'm not sure I'm the father. What should I do?**

You may arrange for a laboratory to perform a genetic test (at your cost) to prove conclusively if you are the father or not. You may petition the appropriate court. You may apply for services at your local child support office.

### **If I believe I am the father, can I apply for child support services to establish paternity?**

Yes. Either parent can apply for DCSE services. If paternity is established, a support order will be pursued to provide support for the child unless DCSE services are terminated.

### **I am still in school and have no money. Why should paternity be established? Do I have to pay child support?**

Establishing paternity at birth, or as early as possible, protects your child. The father is responsible for supporting his child even if he is a student and regardless of his age. A judge will look at the father's age and income if he is working while in school and will decide how much he must pay. The judge may order the father to find a job before or after school to provide some child support. If he does not, then when the father has an income in the future he will be required to pay support.

## **Mothers' Frequently Asked Questions**

### **How do I establish paternity?**

If the father is willing to sign an Acknowledgement of Paternity form and you have agreed upon support, you may submit the notarized form to the Office of Vital Records. If the father is unwilling to acknowledge paternity or is unwilling to provide support, you may petition the appropriate court or contact the DCSE district office that serves your area. You will be asked to provide information related to your pregnancy and sign a form naming the man you believe to be the father of your child. DCSE can ask the alleged father to admit paternity voluntarily or to submit voluntarily to genetic testing to establish paternity with certainty. DCSE also can help you gather evidence to present in court at a paternity hearing.

### **Do I have to name the child's father and establish paternity in order to get benefits?**

Yes. If you want to receive benefits such as Temporary Assistance for Needy Families (TANF) or Medicaid, you have to name the child's father.

### **Do I have to name the father and establish paternity to get benefits if I am afraid he will hurt me or the child?**

You may not have to have paternity established if you can prove you have a good reason for not giving the father's name. Talk to your local social services worker if you have this concern. The child support office cannot collect child support if paternity is not established.



“Establishing paternity at birth, or as early as possible, protects your child.”



“Ask DCSE  
for information  
on establishing  
paternity, even  
if you plan an  
adoption.”

### **What if I'm not sure who the father is?**

DCSE can help you find out who the father is. You will be asked some personal questions about who may be the father, but the questions are not meant to embarrass you. They are necessary to help you prove who the father is. DCSE will contact a potential father to ask if he will agree to genetic testing to determine if he is the father. If he does not voluntarily cooperate, he will be ordered to have genetic tests.

### **Do I need to establish paternity if the father and I are getting along and he is helping me support my child?**

Yes. Even if the father agrees to help support the child now, he may change his mind or become disabled or die. Some benefits are available to the child only if paternity has been established.

### **I am going to marry someone else. He is going to adopt my child. Why establish paternity?**

Plans to marry sometimes change. Adoptions take time. Your child is entitled to child support in the meantime. Ask DCSE for information on establishing paternity, even if you plan an adoption.

The Division of Child Support Enforcement has district offices located across the state that serve every city and county. For the address and phone number of the child support enforcement office serving you, see the listing at the end of this booklet or call or visit us on the Web:

1 (800) 468-8894  
[www.dss.virginia.gov/family/dcse.html](http://www.dss.virginia.gov/family/dcse.html)

Division of Child Support Enforcement  
Virginia Department of Social Services  
7 N. 8th St.  
Richmond, VA 23219-1849



## Child Support Offices

For the most up-to-date listing of office addresses and phone numbers, please visit our Web site at [www.dss.virginia.gov/family/dcse.html](http://www.dss.virginia.gov/family/dcse.html)

### **ABINGDON**

190 Patton St.  
Abingdon, VA 24210  
(800) 922-4903 (toll free)  
(276) 676-5433 (fax)

Areas served: Bland, Bristol, Buchanan, Dickenson, Giles, Lee, Norton, Russell, Scott, Smyth, Tazewell, Washington and Wise

### **ARLINGTON**

2900 South Quincy St., Suite 320  
Arlington, VA 22206  
(866) 488-2591  
(703) 845-6410 (fax)

Areas served: Alexandria and Arlington

### **CHARLOTTESVILLE**

2385 Hunters Way, #5  
Charlottesville, VA 22911  
(800) 782-3523 (toll free)  
(434) 293-8001 (fax)

Areas served: Albemarle, Charlottesville, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison and Orange

### **CHESAPEAKE**

814 Greenbrier, Suite U  
Chesapeake, VA 23320  
(757) 548-2390  
(757) 548-1291 (fax)

Area served: Chesapeake

### **DANVILLE**

155 Deer Run Drive  
Danville, VA 24540  
(800) 752-7307 (toll free)  
(434) 791-5179 (fax)

Areas served: Danville, Franklin County, Halifax, Henry, Lunenburg, Martinsville, Mecklenburg, Patrick, Pittsylvania and South Boston

### **EASTERN SHORE**

108 Market St.  
Onancock, VA 23417  
(877) 695-5493 (toll free)  
(757) 302-2052 (fax)

Areas served: Accomack and Northampton

### **FAIRFAX**

Fairfax Executive Park  
3953 Pender Drive  
Fairfax, VA 22030  
(877) 822-4612 (toll free)  
(703) 934-0067

Areas served: Fairfax City, Fairfax County and Falls Church

### **FREDERICKSBURG**

2342 Plank Road  
Fredericksburg, VA 22401  
(800) 462-0983 (toll free)  
(540) 899-4131 (fax)

Areas served: Caroline, Essex, Fredericksburg, King George, Lancaster, Northumberland, Richmond County, Spotsylvania, Stafford and Westmoreland

### **HAMPTON**

903 Gateway Boulevard, Suite 110  
Hampton, VA 23666  
(800) 481-1004 (toll free)  
(757) 766-3710 (fax)

Areas served: Gloucester,  
Hampton, Mathews, Middlesex,  
Poquoson, York

### **HENRICO**

Forest Office Park  
1610 Forest Ave., Suite 200  
Richmond, VA 23229  
(877) 822-4547 (toll free)  
(804) 662-7400 (fax)

Areas served: Chesterfield,  
Colonial Heights, Hanover and  
Henrico

### **LYNCHBURG**

2127 Lakeside Drive  
Lynchburg, VA 24501  
(800) 962-3492 (toll free)  
(434) 385-0860 (fax)

Areas served: Amherst, Appomattox,  
Bedford City, Bedford County,  
Buckingham, Campbell, Charlotte,  
Cumberland, Lynchburg, Nelson  
and Prince Edward

### **MANASSAS**

Courthouse Station  
9309 Center St., Suite 101  
Manassas, Va 20110  
(800) 762-9970 (toll free)  
(703) 530-7304 (fax)

Areas served: Fauquier, Manassas,  
Manassas Park, Prince William and  
Rappahannock

### **NEWPORT NEWS**

11751 Rock Landing Road, Suite H4  
Newport News, VA 23606  
(800) 462-8386 (toll free)  
(757) 594-7621 (fax)

Areas served: Charles City, James  
City, King & Queen, King William,  
New Kent, Newport News and  
Williamsburg

### **NORFOLK**

#7 Interstate Corp. Center  
Suite 200  
6340 Center Drive  
Norfolk, VA 23502  
(877) 695-5497 (toll free)  
(757) 455-3650 (fax)

Area served: Norfolk

### **PETERSBURG**

2623 Park Ave.  
Petersburg, VA 23805  
(800) 462-3669 (toll free)  
(804) 862-6199 (fax)

Areas Served: Amelia, Brunswick,  
Dinwiddie, Emporia, Greensville,  
Hopewell, Nottoway, Petersburg,  
Powhatan, Prince George, Surry  
and Sussex

## **PORTSMOUTH**

PortCentre Commerce Park  
601 PortCentre Parkway  
Portsmouth, VA 23704  
(877) 695-5499 (toll free)  
(757) 396-6590 (fax)

Area served: Portsmouth

## **RICHMOND**

2106-C North Hamilton St.  
Richmond, VA 23230  
(877) 822-4533 (toll free)  
(804) 367-8420 (fax)

Area served: Richmond City

## **ROANOKE**

3535 Franklin Road, SW, Suite H  
Roanoke, VA 24014  
(800) 447-1899 (toll free)  
(540) 857-7841 (fax)

Areas served: Alleghany, Bath,  
Botetourt, Carroll, Christiansburg,  
Clifton Forge, Covington, Craig,  
Floyd, Galax, Grayson,  
Montgomery, Pulaski, Radford,  
Roanoke City, Roanoke County,  
Salem and Wythe

## **SUFFOLK**

2000 Hillpoint Blvd. North  
Suffolk, VA 23434  
(800) 828-1304 (toll free)  
(757) 925-2486 (fax)

Areas served: Franklin City, Isle of  
Wight, Southampton and Suffolk

## **VERONA**

Augusta Government Center  
P.O. 530  
Verona, VA 24482  
(800) 872-8904 (toll free)  
(540) 248-9306 (fax)

Areas served: Augusta, Buena  
Vista, Harrisonburg, Highland,  
Lexington, Page, Rockbridge,  
Rockingham, Shenandoah,  
Staunton and Waynesboro

## **VIRGINIA BEACH**

Pembroke Office Park  
Pembroke VI Bldg., Suite 500  
Virginia Beach, VA 23462  
(877) 695-5491 (toll free)  
(757) 552-1951 (fax)

Area served: Virginia Beach

## **WINCHESTER**

24 Ricketts Drive  
Winchester, VA 22601  
(800) 486-6440  
(540) 722-3492 (fax)

Areas served: Clark, Frederick,  
Loudoun, Warren and Winchester



DCSE Customer Service  
7 N. 8th Street  
Richmond, VA 23219  
(800) 468-8894 (toll free)  
(804) 692-1438 (fax)  
[www.dss.virginia.gov/family/dcse.html](http://www.dss.virginia.gov/family/dcse.html)

The hearing impaired may contact us  
by dialing (800) 828-1120